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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,237	10/31/2003	Nobuyuki Nonaka	SHO-0045	9024

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EXAMINER	
MOSSER, ROBERT E	

ART UNIT	PAPER NUMBER
3714	

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09/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,237	NONAKA, NOBUYUKI	
	Examiner	Art Unit	
	ROBERT MOSSER	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *May 29th, 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims **1** and **3-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al (US 2005/0192090).

[The section presented below entitled Response to Arguments is incorporated herein.]

Muir teaches a gaming machine including:

a game result display means comprising a first display component of a reel type display (*Muir* Figure 8, Paragraph 41) , a second display component of a LCD type display (*Muir* Figure 8, Paragraph 48), and a third display component of a liquid crystal shutter wherein the third display element selectively blocks the transmission of the reel image display component and selective enables the transmission of the LCD image component (*Muir* Figure 8, Paragraph 61-65) wherein the second and third display elements are shown in a "one piece construct" (*Muir* Figure 8);

a value providing device to provide game payouts to the player based on game outcomes (*Muir* Paragraph 47); and

a controller for controlling the operation (*Muir* Paragraph 45).

Muir is silent regarding describing the inclusion of the claimed second and third display elements as a "unitary" construction however the applicant's specification teaches that the particular arrangement of these components is in material to the invention. As disclosed this arrangement is not material to the invention as presented and further represents a mere rearrangement of parts and/or the making integral of separately presented parts as defined in MPEP sections 2144.04(V)(B) and 2144.04(VI)(C).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the second and third display into a one-piece "unitary" construction because such modification presents mere rearrangement of parts and/or the making integral of separately presented parts that fails to distinguish over the prior art and further because such a modification would represent the combination of known elements through established means with predictable and expected results well within the skill of an ordinary worker in the art and disclosed as being immaterial to the invention.

Claims **6-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al (US 2005/0192090) in view of Lee et al (US 6,847,416)

Claims **6:** Muir teaches a gaming machine as presented above in the rejection of at least claims **1**, and **3-5** however Muir does not specifically teach the use of reflection plates, and diffusion sheets in the construction of display devices. In a related teaching however Lee teaches the utilization of diffusion sheets and reflection plates are known elements in the construction of display devices (Lee Abstract Col 2:60-65). It would

have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the known elements of reflection plates and diffusion sheets into the display arrangement of Muir to allow the equalize lighting of display surfaces and further because such an arrangement would have represented a combination of known components according to known function through conventional means to obtain predictable and expected results.

Response to Arguments

Applicant's arguments filed May 29th, 2008 have been fully considered but they are not persuasive.

In the applicants previous remarks dated February 28th, 2008 the applicant presented the presented several points of proposed novelty of their claimed invention. These points including the examiner's rebuttal to the proposed novelty based thereon and as presented in the office action of April 2nd, 2008 are incorporated by reference herein for continuing to pertain to pending claim language.

The Applicant argues that the prior art of Muir fails to teach the specific arrangement elements of the claimed invention in their response.

Specifically with regards to pending claims 1, and 3-5 the Applicant presents the following on page 9 of their remarks dated May 29th, 2008.

Specifically, it is respectfully submitted that the applied art fails to teach that the second display device in a form of a liquid crystal display panel and the third display device in a form of a liquid crystal display panel are a one-piece, unitary construction, the second display device and the third display device are in facial contact with each other and the at least one display shielding area being a display shielding unit is embedded into the third display device. By contrast, the applied art teaches a shutter mechanism 76 (equivalent to the claimed third display device) and a liquid crystal display monitor 68 separated by a

transparent panel 84 as shown in Figure 8. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

However it is noted that with regards to this specific arrangement of components the applicant's specification states the following in paragraph numbers 16-17, and 21 with regards to the specific arrangement to the display means.

[0016] The game result display means comprises first display means, second and third display means provided, respectively, in front of the first display means when the gaming machine is viewed from a front side thereof. The second display means and the third display means are provided in one-piece construction. The first display means is provided as a unit separated from the second and third display means so as to be spaced by a predetermined distance from the second and third display means other than the first display means.
[0017] The second display means has a transparent display unit for transparently displaying a display of the first display means, and the third display means has a display shielding unit for shielding the display of the first display means. Here, the number of such transparent display units or display shielding units is not especially limited but the units may be provided by one, two, three or any number. Further, how to arrange these units is not specifically restricted but various layouts of the units may be considered, including arrangement of the units by three in a column, by three in a row, and by three obliquely. The display shielding unit may be provided so as to bridge over a plurality of transparent display units. In this case, the display shielding unit can be arranged to have a surface area larger than that of the transparent display unit. The display shielding unit is designed to be controllably shifted to either a state in which the display of the first display means is shield or a state in which the display of the first display means is transparently displayed.

[0021] An image displayed on the first display means under control of the first display control means may be superposed on an image displayed on the second display means under control of the second display control means, thereby displaying a gaming state. Here, the first and second display means may be provided as separated units as spaced by a predetermined distance from each other. In addition, the first and second display means may be provided in one-piece construction. (Emphasis added)

From the above the above teachings of the applicant's specification it is clear that the particular arrangement of the display means is immaterial to the invention because if the assembly of the second and third displays devices as a one-piece construction were a critical element as so provided it would not be presented as specifically un-restricted. Further the assembly of these individual components into a one-piece construction represents a mere rearrangement of parts and/or the making integral of separately presented parts as defined in MPEP sections 2144.04(V)(B) and 2144.04(VI)(C). In

consideration of the above the characterization of two known display elements of the prior art as a singular element in the claimed invention is deemed to be an obvious modification of the prior art because such a modification is presented by the applicant as being non-material to the invention, and further represents well known practices in structural arrangements of components within he ability of one of ordinary skill in the art.

The applicant's remaining comments directed to claims 6 and 7 do not raise any specific arguments regarding novelty and hence are considered redressed in the rejection of those claims as presented above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT MOSSER whose telephone number is (571)272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714
/R. M./
Examiner, Art Unit 3714